

IN THE
SUPREME COURT OF INDIANA

**ORDER AMENDING RULES FOR ADMISSION TO THE BAR
AND THE DISCIPLINE OF ATTORNEYS**

Under the authority vested in this Court pursuant to *Article 7, Section 4* of the *Constitution of Indiana* to exercise original jurisdiction in the admission to the practice of law and the discipline or disbarment of those admitted, ***Rules 2, 3, 23, 24, 29, and 31*** of the ***Indiana Rules for Admission to the Bar and the Discipline of Attorneys*** are amended to read as follow (deletions shown by ~~striking~~ and new text shown by underlining):

Admission and Discipline Rule 2. Registration

All attorneys in active or inactive good standing, duly admitted to the practice of law in the State of Indiana shall file with the Clerk of the Supreme Court, 217 State House, Indianapolis, Indiana 46204, their correct name, office and residence address and county of residence. Said attorneys shall notify the Clerk of the Supreme Court of any change of address or name within thirty (30) days of such change. Such notice of a change of name shall be accompanied by a copy of the court record or an affidavit which states the name change. The clerk shall keep a list of attorneys together with their correct addresses, and certify monthly such list to the Clerk of the United States District Court of the Northern District of Indiana, the Clerk of the United States District Court for the Southern District of Indiana, the Executive Director of the State Board of Law Examiners and the Indiana State Bar Association. The names and addresses so certified shall be effective for all notices involving licenses as attorneys and/or disciplinary matters, and a failure to file same shall be a waiver of notice involving licenses as attorneys and/or disciplinary matters.

Admission and Discipline Rule 3. Admission of Attorneys

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Section 2. Limited Admission on Petition.

(b) Notice of *Pro Hac Vice* Status.

All attorneys admitted *pro hac vice* under the provisions of Section 2(a) shall file a Notice with the clerk of ~~this court~~ the Supreme Court within thirty (30) days after a court grants permission to appear in the proceeding. A separate Notice must be filed for each proceeding in which a court grants permission to appear. Failure to file the notice within the time specified will result in automatic exclusion from practice within this state. The notice shall include the following:

(1) A current statement of good standing issued to the attorney by the highest court in each jurisdiction in which the attorney is admitted to practice law;

(2) A copy of the verified petition requesting permission to appear in the court proceedings, along with the court order granting permission;

(3) A list of all grievances, petitions, or complaints filed against the attorney with any disciplinary authority of any jurisdiction, with the determination thereon.

(c) Registration Fee for Attorney Admitted *Pro Hac Vice*.

At the time of the filing of the Notice required by Section 2(b) of this Rule, the attorney shall pay, ~~during the pendency of the proceedings,~~ to the clerk of the Supreme Court the annual registration fee required of members of the bar of this state as set out in Admission and Discipline Rule 23, Section 21. Thereafter, if the attorney continues to appear in any case pending as of the first day of a new calendar year, the attorney will continue to pay the required registration fee, which shall be due within thirty (30) days of the start of that calendar year.

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OFFICIAL COMMENTARY

The amendments apply only to requests for leave to appear *pro hac vice* filed on or after January 1, 1999.

If an attorney files the notice with the Clerk of the Supreme Court and pays the fee required by subpart (b) of the Rule in one case in any given calendar year, the attorney need not ~~file and~~ pay another fee for any other case in which the attorney may be appearing *pro hac vice* during that same calendar year.

If an attorney files the notice with the Clerk of the Supreme Court and pays the fee required by subpart (b) of the Rule in a particular calendar year, and a new calendar year begins and the attorney is still appearing in any case *pro hac vice*, the attorney must file a new notice and pay a fee within 30 days of the start of the new calendar year.

If more than one (1) attorney from one firm is appearing *pro hac vice* in a particular case on behalf of the same client, each attorney appearing nevertheless has an individual obligation to comply with the Rule as amended.

Admission and Discipline Rule 23. Disciplinary Commission and Proceedings

Section 4. Reinstatement

(a) A person who has been suspended from the practice of law may petition for reinstatement when the term of suspension prescribed in the order of suspension has elapsed. A person who has resigned as a member of the bar may petition for reinstatement when five (5) years have elapsed since the date of the order accepting the resignation. If costs have been imposed as part of an order of suspension or an order accepting an affidavit of resignation, those costs must be paid before a petition for reinstatement is filed.

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Section 11.2. Filing and Service of Pleadings and Other Papers

(a) Filing.

(1) Except as otherwise provided in subsection (2) hereof, all pleadings and papers subsequent to the complaint which are required to be served upon a party shall be filed with the Clerk of the Supreme Court.

(2) No deposition or request for discovery or response thereto shall be filed with the Court unless required under circumstances set forth in Trial Rule 5(D)(2).

(3) Original depositions shall be maintained according to the procedures set forth in Trial Rule 5(D)(3).

(4) In the event it is made to appear to the satisfaction of the hearing officer that the original of a deposition or request for discovery or response thereto cannot be filed with the Court when required, the Court may allow use of a copy instead of the original.

(5) The filing of any deposition shall constitute publication.

(b) Filing With the Court Defined. All papers will be deemed filed with the Clerk when they are:

(1) personally delivered to the Clerk;

(2) deposited in the United States Mail, postage prepaid, properly addressed to the Clerk; or

(3) deposited with any third-party commercial carrier for delivery to the Clerk within three (3) calendar days, cost prepaid, properly addressed.

(c) Filing; Number of Copies. Except as otherwise provided in this rule, the following shall be filed:

(1) An original and one (1) copy of any pleading, motion or other paper directed to the attention of the hearing officer that is filed between the date the Court appoints the hearing officer and the date the hearing officer files written findings of fact.

(2) An original and five (5) copies of all other documents filed with the Clerk.

(d) Required Service. All documents tendered to the Clerk for filing must be served upon all parties or their counsel and the hearing officer, after one has been appointed.

(e) Time for Service. A party shall serve a document no later than the date the document is filed.

(f) Manner and Date of Service. Unless otherwise provided in this rule, all papers will be deemed served when they are:

(1) personally delivered;

(2) deposited in the United States Mail, postage prepaid, properly addressed; or

(3) deposited with any third-party commercial carrier for delivery within three (3) calendar days, cost prepaid, properly addressed.

(g) Certificate of Service. An attorney or unrepresented party tendering a document to the Clerk for filing shall certify that service has been made, list the

parties or others served, and specify the date and means of service. The certificate of service shall be placed at the end of the documents and shall not be separately filed. The separate filing of a certificate of service, however, shall not be grounds for rejecting a document for filing. The Clerk may permit documents to be filed without a certificate of service but shall require prompt filing of a separate certificate of service.

(h) Time Calculation. If service is made by mail, an additional three (3) days shall be allowed for service of any responsive document.

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Section 17.3. Service, Filing and Time Calculation in Termination and Revocation of Probation Matters

~~(a) Service.~~ Service upon the attorney and the Executive Secretary shall be made by personal service or by certified mail, return receipt requested. Service shall be complete and sufficient upon mailing when served upon the attorney at his current address of record on the roll of attorneys, regardless of whether the attorney claims the mail.

~~(b) Filing. All papers served shall be filed with the Clerk of the Court.~~

~~(c) Time Calculation. If service is made by mail, an additional three (3) days shall be allowed for service of any responsive document under Section 17.1 or 17.2.~~

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Section 21. Annual Registration Fee

Funds necessary to enable the Commission to carry out its functions, obligations and duties under this rule shall be provided as follows:

(a) Annual Registration Fee--Active Attorneys. Except as provided in subsection (b), each attorney who is a member of the bar of this Court on August 1, 1978, each attorney who is a member on August 1 of each year thereafter, and each attorney admitted *pro hac vice* pursuant to Admission and Discipline Rule 3, Section 2, shall so long as the attorney is a member of the Bar of this Court, pay a registration fee of ~~eighty ninety~~ ninety dollars ~~(\$80.00)~~ (\$90.00) a year on or before October 1 of such year. For each day after October 1 of a year that an attorney's registration fee is unpaid, an ~~additional~~ delinquent fee shall be added to the registration fee in the amount of five dollars ~~(\$5.00)~~ for each day of delinquency, not to exceed one hundred dollars ~~(\$100.00)~~. An attorney who has paid the registration fee under this subsection and any applicable delinquent fees and who is otherwise eligible to practice law in this state shall be considered to be in active good standing.

Any attorney admitted to practice law in this State on a date subsequent to August 1 of each year shall, within ten (10) days of the date of his or her admission to the Bar of the Court, or by October 1 of said year, whichever date is later, pay a registration fee of ~~eighty ninety~~ dollars ~~(\$80.00)~~ (\$90.00). The Clerk of this Court shall furnish to the Commission the names and addresses of all persons admitted to practice subsequent to August 1 of each year as said persons are admitted.

(b) Annual Registration Fee--Inactive or Retired Attorneys. ~~No registration fee~~ One-half (1/2) of the registration fee referred to in subsection (a) shall be required of an attorney who files with the Clerk, on or before the date the registration fee referred to in subsection (a) would otherwise be due, an affidavit of inactivity, stating that he or she is currently in active good standing, and that he or she neither holds judicial office nor is engaged in the practice of law in this State. For each day after October 1 of a year that an attorney's registration fee under this subsection is unpaid, a delinquent fee shall be added to the registration fee in the amount of five dollars (\$5.00) for each day of delinquency, not to exceed one hundred dollars (\$100.00).

An attorney who is sixty-five (65) years old or older and files such an ~~exemption~~ affidavit of inactivity may designate his or her ~~exemption~~ affidavit as a Retirement Affidavit and shall thereafter be exempt from the payment of any registration fee. Such an affidavit of inactivity once filed shall be effective for each succeeding year, and as long as it is effective, in each succeeding year the attorney, unless otherwise exempt, shall pay the registration fee provided for in this subsection. An ~~exempt or retired~~ inactive attorney shall promptly notify the Clerk of a desire to return to active status, and pay the applicable registration fee for the current year, prior to any act of practicing law. An attorney who has paid the registration fee under this subsection and any applicable delinquent fees shall be considered to be in inactive good standing.

(c) IOLTA Certification. Every lawyer admitted to practice law in this State shall, on or before October 1 of each year, certify to the Clerk of this Court that all client funds which are nominal in amount or to be held for a short period of time by the lawyer are held in an IOLTA account (as that term is defined in *Indiana Rules of Professional Conduct, Rule 1.15(d)*) of the lawyer or law firm or that the lawyer is exempt because:

(1) the lawyer or law firm's client trust account has been exempted from and removed from the IOLTA program pursuant to Ind.Prof.Cond.R. 1.15(d)(6); ~~or~~

(2) the lawyer has elected to decline to maintain the IOLTA account described in Ind.Prof.Cond.R. 1.15(d), in accordance with the procedures set forth in Ind.Prof.Cond.R. 1.15(f); or

(3) the lawyer:

(A) is not engaged in the private practice of law;

(B) does not have an office within the State of Indiana;

(C) is a judge, attorney general, public defender, U.S. attorney, district attorney, on duty with the armed services or employed by a local, state or federal government, and is not otherwise engaged in the private practice of law;

(D) is a corporate counsel or teacher of law and is not otherwise engaged in the private practice of law; or

(E) has been exempted by an order of general or special application of this Court, which is cited in the certification.

(d) Annual Registration Fee Notice. On or before ~~the first day of~~ August 1 in each year, the Clerk of this Court shall mail to each lawyer then admitted to the Bar of this Court and in active or inactive good standing or practicing law in this State, a notice that: (i) the registration fee must be paid ~~or an exemption affidavit filed with the Clerk~~ on or before ~~the first day of~~ October 1; and (ii) ~~that the~~ certification required by subsection (c) of this rule and by Ind.Prof.Cond.R. 1.15(e) must be filed with the Clerk on or before ~~the first day of~~ October 1. The Clerk shall also send a copy of such notice to each Clerk for each circuit and superior court in this State for posting in a prominent place in the courthouse and to the Indiana State Bar Association and such print and other media publishers of legal information as the Clerk reasonably determines appropriate. Provided, however, that the failure of the Clerk to send such notice will not mitigate the duty to pay the required fee and file the required certification.

(e) Failure to Pay Registration Fee; Reinstatement. Any ~~lawyer~~ attorney who fails to pay ~~the a~~ registration fee ~~or file the exemption affidavit referred to in subsections (a) and (b) of this rule~~ required under subsection (a) or (b) or fails to file the certification required by subsection (c) of this rule and by Ind.Prof.Cond.R. 1.15(e), shall be subject to an order of suspension from the practice of law in this State and shall be subject to sanctions for contempt of this Court in the event he or she thereafter engages in the practice of law in this State. In the event there is no other basis for the continued suspension of the attorney's license to practice law, such ~~a lawyer's~~ (existing language) an attorney's privilege to practice law shall be reinstated upon submission to the Clerk of a written application for reinstatement and payment of:

(1) the applicable unpaid registration fee for the year of suspension;

(2) any delinquent fees for the year of suspension due pursuant to subsection (a) or (b);

(3) the applicable unpaid registration fee for the year of reinstatement, if different from the year of suspension; ~~and~~

(4) a registration fee, including delinquent fees, in the amount referred to in subsection (b) for all intervening years of suspension; and

(5) an administrative reinstatement fee of two hundred dollars (\$200.00).

The Clerk shall distribute the administrative reinstatement fee referred to in subsection ~~(d)(4)~~ (e)(5) in equal shares to the Disciplinary Commission Fund and the Continuing Legal Education Fund.

(f) Reinstatement of Retired Attorneys. In the event there is no basis for the suspension of the attorney's license to practice law, a retired attorney's privilege to practice law shall be reinstated upon submission to the Clerk of a written application for reinstatement and payment of:

(1) the unpaid registration fee for the year of reinstatement;

(2) a registration fee, including delinquent fees, in the amount referred to in subsection (b) for each year of retirement; and

(3) an administrative reinstatement fee of two hundred dollars (\$200.00).

~~(f)~~ (g) Certification of Good Standing. The Clerk of this Court shall issue a certificate of active good standing or inactive good standing approved by this Court to any ~~lawyer~~ attorney upon the receipt of the annual registration fee and ~~acceptable certification~~ any applicable delinquent fees referred to in subsections (a) and (b), respectively. The certificate of active good standing shall include a statement to the effect that the lawyer has either filed the certification required by subsection (c) of this rule or has elected to decline to maintain accounts in accordance with the provisions of said subsection.

~~(g)~~ (h) Use of Funds. All funds collected by the Clerk of this Court on behalf of the Disciplinary Commission shall be deposited in a special account to be maintained by the Clerk and designated "Clerk of the Courts-Annual Fees." As collected, the Clerk shall thereafter issue those funds to the Disciplinary Commission, and the Executive Secretary shall cause the same to be deposited into a special account designated "Supreme Court Disciplinary Commission Fund." Disbursements from the fund shall be made solely upon vouchers signed by or pursuant to the direction of the Chief Justice of this Court. All salaries to be paid shall be specifically ordered and approved by this Court.

(i) Effective Dates.

(1) The requirement in subsection (b) that inactive attorneys pay an annual registration fee shall apply to all inactive attorneys and shall be effective for the annual fee due on or before October 1, 2002. Notwithstanding any other provision in this section, any inactive attorney who filed an affidavit of inactivity on or before October 1, 2001 and who, after suspension for nonpayment of the annual registration fee referred to in subsection (b), thereafter seeks reinstatement to active attorney status pursuant to subsection (e), shall not be required to pay unpaid registration or delinquent fees for any year prior to October 1, 2002.

(2) Notwithstanding any other provision in this section, any attorney who, after suspension for nonpayment of the annual registration fee referred to in subsection (a), thereafter seeks reinstatement to active attorney status pursuant to subsection (e), shall not be required to pay unpaid registration or delinquent fees pursuant to subsection (e)(4) for any year prior to October 1, 2002.

(3) Notwithstanding any other provision in this section, any retired attorney who seeks reinstatement to active attorney status pursuant to subsection (f) shall not be required to pay unpaid registration or delinquent fees pursuant to subsection (f)(2) for any year prior to October 1, 2002.

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Admission and Discipline Rule 24. Rules Governing the Unauthorized Practice of Law

Original actions, under ~~Chapter 143 of the 1951 Acts~~ I.C. 33-2-3-1, to restrain or enjoin the unauthorized practice of law in this state may be brought in this court by the attorney general, the Indiana Supreme Court Disciplinary Commission, the Indiana State Bar Association or any duly authorized committee thereof, without leave of court, and by any duly organized local bar association by leave of court. The action against any person, firm, association or corporation, shall be brought by verified petition, in the name of the state of Indiana, on the relation of the authorized person or association or committee, and shall charge specifically the acts constituting the unauthorized practice.

Within time allowed, a respondent may file a verified return showing any reason in law or fact why an injunction should not issue. No other pleading in behalf of a respondent will be entertained. All allegations of fact in the petition and return shall be specific and not by way of ultimate fact or conclusion. The return shall specifically deny or admit each allegation of fact in the petition, and it may allege new facts in mitigation or avoidance of the causes alleged in the petition.

The parties shall file an original and five [5] copies of all pleadings, including exhibits, plus an additional copy for each adverse party. If any exhibit

shall be a matter of public record one [1] certified copy thereof shall be filed with the original petition or return. No pleading or exhibit thereto will be considered which has words or figures on both sides of the same sheet of paper.

No restraining order will issue without notice except upon the filing of an undertaking with conditions and surety to the approval of the court. Notice of the filing of the petition will be given and served upon any respondent as may be directed by the court, such notice to be accompanied by a copy of the petition. The clerk will mail a copy of any return to the relator.

The verified petition and return shall constitute the evidence upon which the issues are decided, unless the court shall deem it necessary to, and shall appoint, a commissioner, in which event such commissioner, who shall have full authority to subpoena witnesses and records, shall hear the evidence and report his findings of fact to the court.

A copy of any pertinent agreement, made by any recognized bar association concerning the unauthorized practice of law, may be attached to and made a part of any pleading and unless denied under oath shall be deemed to be a true copy without further proof of the execution thereof.

The costs and expenses incurred by such hearing shall be borne by the losing party. Briefs need not conform to requirements of Appellate Rules 8.4-8.443-48. Arguments will not be heard as of right.

Admission and Discipline Rule 29. Mandatory Continuing Legal Education

Section 8. Exemptions and Other Relief from the Rule.

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(d) An Attorney shall be exempt from the educational and reporting requirements of this Rule if the Attorney ~~is exempt from payment of an annual registration fee to the Supreme Court Disciplinary Fund~~ has filed an affidavit of inactivity or a retirement affidavit under Section 21(b) of Rule 23 of the Supreme Court. An Attorney who has been inactive for less than a year, and desires to resume active status, shall complete any balance of his or her yearly Educational Period requirements as of the date of inactive status.

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Admission and Discipline Rule 31. Judges and Lawyers Assistance Program

Section 1. Establishment.

The Judges and Lawyers Assistance Committee is created and shall have the powers and duties set out below. The Committee shall be composed of Committee members, an Executive Director, and such other persons as shall from time to time be approved by the Supreme Court and who are necessary to carry out the Committee's work.

Section 2. Purpose.

The purpose of the Judges and Lawyers Assistance Program is assisting impaired members in recovery; educating the bench and bar; and reducing the potential harm caused by impairment to the individual, the public, the profession, and the legal system. Through the Judges and Lawyers Assistance Program, the Committee will provide assistance to judges, lawyers and law students who suffer from physical or mental disabilities that result from disease, chemical dependency, mental health problems or age that impair their ability to practice; and will support other programs designed to increase awareness about the problems of impairment among lawyers and judges. ~~The purpose of the Judges and Lawyers Assistance Program is to protect clients and litigants from the harm caused by the impairment, to assist the impaired in recovery, and to educate the bench and bar.~~

Section 3. Committee Members.

(a) The Committee shall consist of fifteen (15) Committee members, all of whom shall be appointed by the Supreme Court. Members shall have experience with the problems of ~~addiction and mental impairment~~ chemical dependency and/or mental health problems. ~~Nine (9)~~ Seven (7) members shall be practicing ~~attorneys~~ lawyers; five (5) shall be judges; one (1) shall be a law student enrolled in an Indiana law school at the time of appointment; two (2) members may be filled by judges, lawyers, and/or law student(s). A reasonable effort shall be made to provide geographical representation of the State.

(b) Members shall be appointed for three-year terms, ~~except that upon the effective date of this Rule, five (5) members shall be appointed for a two year term and five (5) shall be appointed for a four year term.~~ All terms shall commence on January 1 and end on December 31. Any member who has served ~~for all or part of~~ two (2) consecutive terms, exclusive of filling out an unexpired term, shall not be reappointed to the Committee for at least three (3) consecutive years. Any vacancy on the Committee shall be filled as soon as practicable and the new member so appointed shall serve the unexpired term of the member being replaced. Any member may be removed by the Supreme Court for a good cause.

(c) Election of Officers. At the first meeting of the Committee after each ~~July 1~~ January 1 and subject to approval by the Supreme Court, the members shall elect from the membership a Chair who shall preside at all meetings, a Vice-Chair who shall preside in the absence of the Chair, a Secretary who shall be

responsible for giving notices and keeping the Committee's minutes, and a Treasurer who shall be responsible for keeping the Committee's records of account.

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Section 4. Powers and Duties of the Committee.

In addition to the powers and duties set forth elsewhere in this Rule, the Committee shall have the power and duty to:

(a) Adopt rules and regulations, to be known as the Judges and Lawyers Assistance Program Guidelines, for the efficient discharge of its powers and duties. The Guidelines shall become effective when approved by the Supreme Court.

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(e) Appoint ~~such other committees~~ subcommittees having such powers and duties as the Committee may determine are necessary to carry out the Committee's work.

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(h) Recruit and train volunteers, as defined by the Guidelines, to assist the Committee's work with impaired persons.

(i) Do all other things necessary and proper to carry out its powers and duties under this Rule.

Section 5. Executive Director. With the assistance of the Committee members, the Chief Justice shall hire an Executive Director ~~who has sufficient training and experience to allow effective assistance with impaired judges and lawyers.~~

Section 6. Powers and Duties of the Executive Director. In addition to the powers and duties set forth in this Rule or otherwise defined by the Committee or the Supreme Court, the Executive Director shall have the power and duty to:

(a) Administer the Committee's work.

(b) Appoint, with approval of the Committee, such staff as may be necessary to assist the Committee to carry out its powers and duties under this Rule.

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Section 7. Sources and Uses of Funds.

(a) Funding for the Committee, ~~including salaries,~~ shall be provided through a portion of the registration fee charged to each ~~attorney~~ lawyer pursuant to Admission and Discipline Rule 23 § Section 21.

(b) A budget shall be submitted April 1 of each fiscal year, July 1 through June 30, to the Supreme Court for its review and approval.

(c) Disbursements shall first be approved by the Executive Committee or its designee and then ~~shall be approved~~ by the Chief Justice if the amount is over five hundred dollars (\$500.00) and by the Supreme Court Administrator if the amount is five hundred dollars (\$500.00) or less.

(d) All salaries to be paid shall be specifically ordered and approved by the Supreme Court. Committee members shall not be paid, but will be reimbursed for expenses in accordance with guidelines established by the State of Indiana.

Section 8. Referrals.

(a) Any judge, ~~attorney~~ lawyer, or law student may contact the Committee seeking assistance.

(b) Any person may report to the Committee that a ~~particular member of the legal profession~~ judge, lawyer, or law student needs the Committee's assistance. The Committee shall then take such action as authorized by the Guidelines.

(c) The Supreme Court, the Indiana Commission on Judicial Qualifications, the Disciplinary Commission ~~and~~ , the Board of Law Examiners, and the Administration of any Indiana law school may refer judges, lawyers, or law students to the Committee for assessment or treatment upon such terms authorized by the Guidelines.

(d) The Committee may refer judges, lawyers, and law students to outside agencies or organizations for assessment or treatment upon such terms authorized by the Guidelines.

Section 9. Confidentiality.

(a) All information, including records obtained ~~and maintained~~ by the Committee in the performance of its duty under these rules and as delegated by the Supreme Court of Indiana, shall be confidential, except as ~~otherwise provided by these rules, or by order of (or as otherwise authorized by) the Supreme Court of Indiana~~ the Program Guidelines.

~~(b) Information about a judge, attorney or law student who voluntarily seeks the Committee's assistance shall not be disclosed except upon the authorization of that person.~~

~~(c) Information about a judge, attorney or law student who is referred to the Committee by the Indiana Commission on Judicial Qualifications, the Disciplinary Commission, the Board of Law Examiners, or the Supreme Court, is confidential except to the extent agreed to in writing as described in the Guidelines.~~

~~(d)~~ (b) Nothing in this section prevents the Committee from communicating statistical information which does not divulge the identity of ~~an~~ any individual.

~~(e)~~ (c) ~~Any violation~~ Violation of the confidentiality provisions of this rule shall be subject to disciplinary proceeding under Indiana Admission and Discipline Rules 12, 23 ~~or~~ and 26.

Section 10. Immunity. The Committee, Executive Director, staff, and volunteers are not subject to civil suit for official acts done in good faith in furtherance of the Committee's work. Absent malice, a person who gives information to the Committee, staff or volunteers about a judge, ~~attorney~~ lawyer or law student thought to be impaired is not subject to civil suit.

~~**Section 11. Records.** The Committee shall not maintain records of the names of the participants or the nature of their participation except when the participant is required, as provided by rule or order, to participate in a Committee program by the Supreme Court, the Disciplinary Commission or the Board of Law Examiners.~~

These amendments shall take effect April 1, 2002.

The Clerk of this Court is directed to forward a copy of this order to the Clerk of each Circuit Court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners;

Indiana Judicial Center; Division of State Court Administration; the libraries of all law schools in this state; the Michie Company; and the West Group.

The West Group is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this ____ day of December, 2001.

Randall T. Shepard
Chief Justice of Indiana

All Justices concur.